

NO. 22279

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PAUL DELA CUESTA, Plaintiff-Appellant,

vs.

HAWAIIAN INSURANCE GROUP, HAWAIIAN INSURANCE
& GUARANTY COMPANY, LTD., HUI/UNICO IN
LIQUIDATION, INC., Defendants-Appellees,

JOHN DOES 1-50; JANE DOES 1-50;
DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50;
AND DOE ENTITIES 1-50, Defendants.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 93-2109)

AMENDED¹

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Plaintiff-appellant Paul Dela Cuesta (Plaintiff)

appeals from the final judgment of the circuit court of the first circuit, the Honorable Kevin S. C. Chang, presiding, dismissing the claims against defendants-appellees Hawaiian Insurance Group and Hawaiian Insurance & Guaranty Company, Ltd. (HIG) [hereinafter, collectively, the Defendants]. Specifically, Plaintiff claims that the circuit court erred by: (1) ruling that his claim was an assumed claim under the reorganization plan

¹ This order is amended solely to correct the caption.

for liquidation of HIG, Hawai'i Underwriters Insurance Company, Ltd. (HUI), and United National Insurance Company, Ltd. (UNICO); and (2) in ruling that the Hawaiian Insurance Group no longer exists.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we hold that the circuit court was correct in ruling that Plaintiff failed to state a claim against the Defendants because:

(1) Plaintiff's claim against HIG was assumed by HUI/UNICO and
(2) whether Hawaiian Insurance Group, a trade name for HIG, exists is moot insofar as HIG is a party in the present case.

Therefore,

IT IS HEREBY ORDERED that the judgment from which this appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, January 29, 2002.

On the briefs:

Stephen T. Hioki,
for plaintiff-appellant

Melvyn M. Miyagi and
Michael H. Tsuchida (of
Miyagi, Nohr & Myhre),
for defendants-appellees